

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JANET BLAKE, et al.,	)	
	)	
Plaintiff(s),	)	
	)	
vs.	)	Case No. 4:08CV00821 ERW
	)	
CAREER EDUCATION	)	
CORPORATION, et al.,	)	
Defendant(s).	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiffs' Motion to Stay Defendants' Motion to Dismiss or in the Alternative for an Extension of Time to File Memorandum in Opposition to Defendants' Motion to Dismiss [doc. #11].

Plaintiffs filed suit against Defendants in St. Louis County, Missouri on February 29, 2008. The case was subsequently removed by Defendants on June 5, 2008 to federal court. Following removal, on June 12, 2008, Defendants filed a motion to dismiss Plaintiffs' complaint. Five days later Plaintiffs' filed the pending motion, requesting that this Court extend the time for Plaintiffs to respond to Defendants' motion in order to allow a ruling on Plaintiffs' motion to remand the case to state court. A response in opposition to Plaintiffs' motion to stay Defendants' Motion to Dismiss was due on June 27, 2008, but no opposition was filed.

Plaintiffs argue that it would be a waste of judicial resources for the Court to rule on the pending motion to dismiss, as such a ruling would not be binding on the state court. The Court agrees, and therefore it is unnecessary for Plaintiffs to file a response to the pending motion to dismiss until such time as a ruling is made on the pending motion to remand. Therefore, the

Court will grant Plaintiffs' motion; Plaintiffs shall file their response to the pending motion to dismiss no later than ten (10) days after a ruling on Plaintiffs' motion to remand, if the case is still pending before the Court.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' Motion to Stay or in the Alternative for an Extension of Time to File Memorandum in Opposition to Defendants' Motion to Dismiss [doc. #11] is **GRANTED**. Plaintiffs' shall file a response to Defendants' Motion to Dismiss within ten (10) days of a ruling by this Court on Plaintiffs' Motion to Remand, if the case is still pending before this Court.

Dated this 2nd Day of July, 2008.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE